

Telecommunications Access Gateway (“TAG”) system since Birch began operating in the region earlier this year. As reported previously, Birch experienced a prolonged TAG failure between August 2 and August 6, 2001, resulting in Birch’s inability to provision 75% of its normal order volume despite working a steady level of overtime.⁴⁵ All TAG outages combined, Birch estimates that it lost over 300 hours of employee production time amounting to thousands of dollars in unproductive labor costs. Birch’s customers also felt the effects of the August failure since it took BellSouth an average of four days past the due date to provision the customer’s service. These customers’ first impressions of Birch were tainted by broken promises and missed due dates. Despite the fact that the provisioning problems were beyond Birch’s control, Birch’s customers viewed them as Birch’s “fault” all the same. This is not parity.

In direct response to the TAG failures experienced by Birch, Birch has again increased its overhead by employing an Information Technology Analyst to micro-manage BellSouth’s OSS systems and system release initiatives.⁴⁶ This is not the way an efficient competitor should have to run its operations, but Birch is forced to take this extra measure as a result of BellSouth’s inherent system problems.

V. THE PERFORMANCE MEASUREMENT STANDARDS FOR UNE-P FLOW THROUGH AND SERVICE ORDER ACCURACY DO NOT ADEQUATELY ENCOURAGE ACCURATE INTERNAL SERVICE ORDERS

Despite the fact that accurate internal service order are critical to Birch’s ability to compete there are no effective Georgia performance measurement standards that encourage such accuracy. BellSouth and other RBOCs pattern their behavior on the

⁴⁵ Birch Comments at 29.

⁴⁶ The actual overhead associated with the Information Technology Analyst is ** **.

performance measurement standards. With no effective standards designed to prevent internal service order errors, it is almost a forgone conclusion that these errors will persist. The Commission should not approve BellSouth's application until performance measurement standards are put in place that encourage BellSouth to rectify this problem.

A. The Performance Measurement Standard for UNE-P Flow Through Fails to Encourage Service Order Accuracy

One method of encouraging service order accuracy would be to require high flow through rates. Mechanized orders are not subject to internal service order errors since the orders are not touched by human hands. Despite the clear benefit of a high flow through rate, the Georgia standard for flow through of UNE orders is 85%. This is significantly less than the standard in other states where section 271 applications have been approved. In New York, Massachusetts and Connecticut, the standard is 95% for all eligible LSRs. In Texas and Kansas/Oklahoma, the flow through standard is parity. The Georgia standard should be raised to either of these two standards.

Birch does not deny the possibility that partially mechanized orders can be processed accurately and quickly and thus not prejudice CLECs. SBC in Texas does an excellent job of processing partially mechanized orders and, as a result, Birch supported SBC's 271 applications. However, BellSouth's performance regarding the processing of manual orders has been sub par. With that backdrop a high flow through rate is critical.

B. Georgia's Performance Measurement for Internal Service Order Accuracy is Not Adequate

BellSouth's unacceptably poor performance for UNE service order accuracy is not surprising since BellSouth is not penalized if it does not meet the performance measurement standard for service order accuracy. While the standard requires the accuracy

of 95 percent of all service orders, BellSouth is not penalized in the slightest if it fails to meet that standard.

Besides facing no consequences if the performance measurement standard is not met, there are two additional problems with this performance measurement. First, in calculating the percentage of service orders that are accurate, BellSouth only considers a small sample of orders. In some cases the samples appear to be so small that it is hard to imagine how the results could be statistically significant. For example, in June the sample included only 78 orders.⁴⁷ The small sample sizes may explain why BellSouth's performance is all over the map and exhibits no trend or consistency whatsoever. This should be changed. BellSouth should be required to include all partially mechanized orders when calculating UNE service order accuracy.⁴⁸

Second, the performance measurement should be disaggregated to measure service order accuracy for partially mechanized LSRs. Presently, the Georgia performance measurement for UNE service order accuracy considers all LSRs and as a result it is difficult to judge BellSouth's performance regarding the service order accuracy of those LSRs that are partially mechanized. As discussed above, since BellSouth's flow through rate is so low, the accuracy of partially mechanized UNE service orders is critical.

The Georgia performance measurement standard for UNE service order accuracy should be modeled after the Texas performance measurement standard. In Texas, 95 percent of all partially mechanized LSRs must be handled accurately; if SWBT fails to meet the standard it is penalized. Also, unlike BellSouth, SWBT counts each and every partially

⁴⁷ Varner Exhibit PM-2.

⁴⁸ This comparison can be done electronically. SWBT, for example, compares LSR and internal service orders mechanically.

mechanized LSR in calculating its performance, thus its reported results are more complete. Finally, the performance measurement in Texas is disaggregated in that it measures the accuracy of partially mechanized LSRs in particular. SWBT is meeting the 95% standard whereas BellSouth is not even close.

VI. THE COMMISSION CANNOT RELY UPON THE ACCURACY OF BELL SOUTH'S PERFORMANCE MEASUREMENT RESULTS

BellSouth's reported performance measurement results cannot be trusted. Birch's comments and these reply comments show that BellSouth's reported results have simply been wrong with respect to a number of important measurements. Birch is a relatively small CLEC that had the opportunity to review BellSouth's data for only a few key measurements. If Birch had the time and resources to review all of BellSouth's reported results, it might have uncovered many more errors. The mistakes that Birch did find bring into question the integrity of all of Birch's reported results.

At the very least, the Commission should not rely on performance measurement results that BellSouth recently restated. BellSouth has not disclosed to Birch of how its restated results were calculated despite the fact that Birch asked for this information. Given the number of errors that BellSouth has made in the past, the Commission should not take BellSouth's restated data at face value.

VII. OTHER DEFICIENCIES THAT AFFECT BIRCH'S ABILITY TO COMPETE

A. BellSouth Fails to Issue Jeopardy Notices

Jeopardy notices inform CLECs of missed due dates on FOCs as well as the reasons for those missed due dates. Birch recounted in its comments that BellSouth missed due dates for reasons attributable to BellSouth for 42 Birch orders from May through August. Sauder Decl., ¶¶ 30-31. Birch should have received jeopardy notices for each of

these missed due dates but received only one such notice and the notice incorrectly reported that the problem was an inability to access the end user's premises. In September, BellSouth missed 20 due dates for Birch region wide for reasons attributable to BellSouth. Attachment 11. Birch did not receive a single jeopardy notice. Thus, BellSouth's failure to issue jeopardy notices persists.

This system failure renders meaningless BellSouth's reported results for performance measurements related to jeopardy notices. The jeopardy performance measurements only evaluate the timeliness of the notices and the percentage of orders that receive jeopardy notices. The failure to send jeopardy notices at all does not show up in the performance measurement results.

The absence of jeopardy notices has a real impact on Birch's ability to service customers. Birch is prevented from communicating missed due dates to its customers, thus losing their confidence and goodwill. Also, if Birch is not informed of a missed due date, it must invoke manual processes (either by looking in CSOTS, which is only updated daily, or calling the LCSC) to find out why the order was missed and to ensure that the order is eventually provisioned. Using manual processes to obtain the information that the jeopardy notice is designed to impart is an unnecessary cost that Birch should not have to bear.

B. Performance Measurements for FOC Timeliness are not Sufficiently Demanding

The performance measurement for FOC timeliness measures the amount of time BellSouth takes to return Firm Order Confirmations (a communication of the due date) to CLECs. The Georgia standard is that CLECs must return FOCs for partially mechanized orders within 10 business hours 85 percent of the time. As Birch discussed in its comments, this standard is significantly less demanding than that of Texas where SBC must

return FOCs for partially mechanized orders within five business hours 95% of the time. Sauder Decl., ¶ 36. BellSouth should be required to meet the more stringent Texas standard.

BellSouth's *November 2, 2001 OSS/Manual Handling Ex Parte*, demonstrates that it is meeting the Georgia benchmark for FOC timeliness with respect to partially-mechanized orders and is even meeting the Texas standard for FOC timeliness. This, however, does not imply that the Commission can ignore the deficiencies in the Georgia standards. Once BellSouth's Application is granted BellSouth can reduce the level of its performance to the required minimum and escape penalty. In fact, BellSouth has an incentive to do so. Maintaining a high level of performance is not free. BellSouth must employ additional employees to ensure that large numbers of FOCs are sent to CLECs in a timely manner. Once its Application is granted BellSouth can reduce the amount of resources devoted to obtain the current level of FOC performance and just devote sufficient resources to meet the lower Georgia standard. If the Commission approved BellSouth's application, it would set the dangerous precedent that a performance measurement standard could demand significantly less of a LEC than what it was capable even though a higher standard is important to a CLEC's ability to compete.

The less demanding Georgia standard for FOC timeliness also has the perverse effect of not encouraging mechanization to the extent of the higher Texas standard. SWBT must devote significant resources to its manual processes to meet the Texas standard of 95% within five business hours for partially mechanized orders or SWBT can mechanize the ordering process to avoid these costs. On the other hand, for BellSouth to meet the Georgia standard of 85% within 10 business hours for partially mechanized orders requires

fewer resources. As a result, partial mechanization is comparatively more attractive to an RBOC under the Georgia standard than the Texas standard.

The importance of the FOC timeliness performance measurement standard is heightened by the fact that the standard for flow through is only 85%. BellSouth's failure to flow through significant numbers of orders means that many of its FOCs will be processed manually. Unfortunately, the Georgia standard for FOC timeliness is not as stringent as those in other states where applications have been approved. This, despite the fact that if anything the performance standard should be more stringent in Georgia than in Texas since there is more manual intervention in Georgia.

C. BellSouth's Performance Regarding the Average Competition Interval is Overstated and the Performance Measurement Standard for the Average Completion Interval is Not Sufficiently Demanding.

The average completion interval ("OCI") measures the average time it takes BellSouth to complete an order. As discussed in Birch's comments, the start time for this interval is the CLEC's receipt of the FOC from BellSouth and the end time is when BellSouth completes the order. This start time significantly reduces the value of the standard. It would be far more effective if the start time was the time stamp for when the LSR was submitted as it is in other states where Section 271 authority has been granted. Sauder Decl., ¶ 42. This would ensure that the average completion interval captured the time it takes to issue a FOC and thus captured any inefficiencies caused by manual processing.⁴⁹

If the average completion interval is defined properly, BellSouth's performance under the standard would drop. As in the case of the performance measurement for FOC

⁴⁹ See also DOJ Evaluation at 37 n. 131.

timeliness, BellSouth's high rate of partial mechanization makes it particularly important that the measurement be defined properly.

Significantly, BellSouth's reported results for the average completion interval are overstated even if the measurement is defined in the manner used by BellSouth. Birch's initial comments demonstrated that in calculating its average completion interval, BellSouth included orders made to correct the errors that BellSouth made in processing the initial orders. Sauder Decl., ¶ 28. Absent this mistake BellSouth's average completion interval would be higher.⁵⁰

VIII. THE COMMISSION SHOULD NOT APPROVE BELL SOUTH'S SECTION 271 APPLICATION UNTIL BELL SOUTH'S BEHAVIOR CHANGES IN A NUMBER OF IMPORTANT RESPECTS

The problem areas in BellSouth's performance and in the Application are well documented by Birch, other CLECs, and the DOJ. Even BellSouth itself readily acknowledges certain failure areas, but arrogantly passes them off as not being, in Bell South's view, customer-impacting.

Despite BellSouth's downplay of these shortcomings, DOJ determined them to be sufficiently serious to "preclude the Department from supporting this joint application."⁵¹ While DOJ does not foreclose the possibility that its concerns may be adequately addressed prior to the close of the Commission's review of the Application, the Commission should deny BellSouth's Application based on the current record. However, regardless of what the Commission ultimately decides, Birch recommends a number of meaningful short term changes that if administered properly, could give near term relief to CLECs from the current deteriorated conditions in the most troubling problem areas.

⁵⁰ Attachments 5 and 6 outline BellSouth correction service orders that are also included for purposes of determining performance results.

⁵¹ DOJ Evaluation at 38.

A successful resolution of these problems clearly cannot be achieved by BellSouth providing more and better rhetoric, additional contradicting statistics, promises to do better, or claims that proceedings or task forces are in place that will successfully solve these problems. BellSouth's track record is nothing shy of embarrassing in this regard. Since Birch's entry into the BellSouth region in early 2001, BellSouth has been long on pleasantries and pledges to try harder and do better for its wholesale CLEC customers and very short on achieving any meaningful, tangible improvements in the areas that are most critical to Birch.⁵²

The challenge before the Commission is to require tangible, specific, enforceable modifications that yield results that are measurable at a detailed level and sustainable over time. Moreover, any such required modification must have a carrot and a stick; be self-triggering if missed; and be bolstered by a built-in incentive to produce.

The best and perhaps only way to be certain that BellSouth will do more than just glad-hand is to have in place a performance measurement plan that effectively identifies and measures where BellSouth is performing poorly and provides BellSouth with the correct incentives to improve. The current performance measurement plan in Georgia is deficient in several key areas.⁵³ Absent changes to the performance measurement plan, critical changes are required regarding how BellSouth does business with its CLEC

⁵² For example, a Birch Telecommunications Action Plan that was executed by Birch and BellSouth in early July 2001 – after a five month review of Birch LSRs – aimed exclusively at improving order flow through by 5 percentage points each month, with a target level of 95% flow-through by December 2001. The reality is that Birch's flow-through percentage has made no improvement whatsoever during the period covered by this Action Plan, and currently sits at a stagnant 60%.

⁵³ For example, in the current Georgia Self Effectuating Enforcement Mechanism, the current service order accuracy measurement does not carry any penalties or remedies if missed by BellSouth. This loophole must be closed through the imposition of a meaningful penalty.

customer/competitors. Birch discusses below some of the areas where improvements are most needed. Specifically, to require BellSouth to take steps to rectify its service order entry quality problem, and to give CLECs a greater ability to manage that quality

A. Require that BellSouth Solve its Service Order Entry Quality Problem Through Manual Quality Control Resources

The Birch specific flow through rate of 60% (excluding CLEC errors and orders not designed to flow through) is troublesome⁵⁴ in and of itself, but is further aggravated by the high rate (28.17%) of BellSouth-introduced errors that occurs on the 40% of orders that require manual intervention by BellSouth. While the ultimate solution must be improvements to BellSouth's OSS that eliminate manual processing, in the near-term reducing BellSouth-introduced errors on the service order is nothing more than a matter of requiring better care and oversight on the part of BellSouth. Birch recommends that BellSouth be required to implement provisioning teams that are dedicated to particular CLECs, with individuals on those teams whose *only* function is to check that the service orders are 100% consistent with the CLEC LSR. Certainly, this is nothing more than "throwing people at the problem," but it is, after all, human error that is at the root of the manual intervention that BellSouth has allowed to exist and proliferate. If BellSouth is unable to produce an immediate systematic solution to the problem and manual intervention in its current form continues, then quality control must also be reduced to its most rudimentary form – people checking people.⁵⁵ Birch would further recommend that

⁵⁴ This is particularly the case when no momentum to improve exists, and the trajectory of the month-over-month results curve remains "flat-lined."

⁵⁵ Birch has already pointed out that it has had to hire five Quality Control employees which add nearly 50% to the cost of the Birch provisioning staff. These costs must be transferred *directly* to the BellSouth payroll through the commitment of BellSouth resources to perform quality control.

these dedicated teams with quality control oversight be required to be in place until BellSouth can replace them with a systematic solution that permanently eliminates the quality problem.⁵⁶

Birch experienced the same difficulty with the errors caused by manual processing in its early days as SWBT's wholesale customer. With "encouragement" from the Texas PUC, SWBT dedicated a particular group of individuals to processing *only* Birch orders, and also dedicated quality control resources⁵⁷ to ensure a quality product. The results were dramatic: SWBT was successful in reducing its service order entry error rate significantly and swiftly.

B. The Commission Should Require BellSouth to Immediately Implement the Change Request (CR0040) pending before the Change Control Group to Give CLECs Real-Time Visibility of Order Status

Birch takes its quality control role extremely seriously, as is evidenced by its incurrence of a premium that approaches 50% over the base cost of its BellSouth provisioning operation to do just that. As successful as Birch is at catching and correcting BellSouth's errors to insulate its customers from BellSouth's poor quality, its ability to do this is severely hampered by the untimely and inaccurate nature of BellSouth's CLEC Service Order Tracking System ("CSOTS"). CSOTS is the system that Birch's IPMs access to evaluate service order accuracy and status. At this time, Birch experiences the following problems with CSOTS:

⁵⁶ Ideally, BellSouth must reduce the incidence of errors inherent in manual handling through mechanization. Greater mechanization leads to an improvement in the frequency of flow through, which is the only sustainable way to combat manual errors, i.e., eliminate the need for human hands to touch a CLEC order.

⁵⁷ Southwestern Bell staffed quality control resources at a 1:4 ratio, i.e., one quality control person for every four provisioning representatives.

- BellSouth's CSOTS specifications call for the system to update only once every 24 hours.
- CSOTS frequently does not even update within the 24 hour time period specified by BellSouth.
- Service orders in CSOTS may not be identical to the service order viewed by the LCSC.
- The service orders in CSOTS do not reflect corrections made to the service order.

These inadequacies are frustrating and time-consuming, and hinder Birch from doing the backstop work that BellSouth's error-ridden manual processing necessitates. If service orders were viewable in CSOTS real-time, Birch could (on the same business day) reconcile BellSouth-entered service orders to Birch orders; could reconcile BellSouth-entered corrections to Birch corrections; and could confirm that supplemental orders were worked, all in a more timely manner. The provisioning intervals on orders that require manual intervention by BellSouth and the efficiency of Birch's provisioning department would be greatly improved if Birch did not have to make telephone calls to the LCSC to have the LCSC look at a service order, and check the accuracy of the order because Birch is unable to do so.

Controlling the quality of BellSouth's internal service orders is BellSouth's responsibility and not Birch's.⁵⁸ Having said that, Birch is ultimately accountable to its customers and will not let this quality assurance go undone. Birch is merely requesting that if BellSouth refuses to address its quality shortcomings, the Commission at least require

⁵⁸ Birch pays BellSouth to provision its orders. The cost-based price is very much a function of BellSouth's efficiency or lack thereof.

BellSouth to allow real-time system updates so Birch has the best opportunity to do the job right.

C. Require the BellSouth LCSC to Engage in Direct and Real-time Contact with CLECs, and to Take End-to-End Accountability for the Successful and Accurate Provisioning of a CLEC Order

It has been Birch's experience that BellSouth has resisted allowing Birch to directly coordinate operational issue resolution through BellSouth's front-line provisioning organization, the LCSC, to evaluate and solve problems and bring about process modifications within the centers. Rather, Birch has been directed to address these issues indirectly through Birch's Account Team and other BellSouth personnel who are removed from what occurs daily on the floor of the LCSC. The BellSouth Account Team and/or the Customer Service Manager has acted in a "broker" capacity, serving as the interface between Birch and the source of the BellSouth provisioning problems – the LCSC. Despite some good intentions on behalf of the BellSouth Account Team, once again there is an abundance of rhetoric and activity but little to show for it. Also, the Account Team readily admits that it cannot effectively address pervasive or systemic matters that involve the LCSC and has represented that its best contribution to Birch's success is "saving the day" on a customer by customer basis. This is a valuable role, but very much limited compared to what Birch needs to achieve the higher leverage successes with BellSouth.

1. Assign Specific Front Line and Chain of Command LCSC Resources to Particular CLECs

Birch must gain direct and routine access to individuals in the BellSouth LCSC that have both a familiarity with Birch and the type of orders it submits, and the decision-making authority to mandate procedural or systematic changes that improve the service it provides to Birch. Specifically, Birch requests that BellSouth be required to assign Service Representative, Supervisor, Manager, and Director level resources in the LCSC to Birch (or

any CLEC, for that matter), so that a sustained level of familiarity and accountability can be fostered between Birch's provisioning personnel and their counterparts at the BellSouth LCSC.⁵⁹ Birch further requests that certain specific BellSouth LCSC personnel be required to participate in weekly discussions, where progress and status is reported and documented.

2. Give CLECs a Significant Role in the Oversight and Enforcement of BellSouth's Behavior as a CLEC Vendor

With respect to oversight and enforcement of BellSouth's behavior in this context, Birch requests that it be allowed to place its own employees on site at the BellSouth LCSC from time to time.⁶⁰ Certainly what Birch is requesting here is non-traditional in nature, but given the situation Birch faces, it will indeed be an effective response to combat the lack of substantive progress by BellSouth. Birch has repeatedly pointed out to BellSouth the serious flaws in its day-to-day performance as a vendor. Nevertheless, BellSouth has not taken steps to address these flaws in any sort of comprehensive fashion. Birch has done the same with the Georgia PSC – again to no avail.

Despite a growing stack of very troubling evidence regarding BellSouth's lack of readiness for interLATA market entry, BellSouth remains strident in its stance that it is "doing enough" and that the application in its current form should be approved by this Commission. Birch therefore asks this Commission to place Birch and other CLECs directly in the role of oversight and enforcement at the BellSouth employee level. This expanded degree of accountability is the only way Birch can satisfy itself that it will not

⁵⁹ Birch understands that as persons move up the LCSC hierarchy, Directors and even Managers may be responsible for multiple CLECs. The point is that particular employees at every level assume some ownership role for their particular CLEC(s).

⁶⁰ Birch would also request that it be given the opportunity to offer feedback on the chain-of-command that supports the Birch activities at the LCSC, with this input factoring into performance appraisals and hence the level of base and incentive compensation payouts.

once again be “glad-handed” by BellSouth as it promises but fails to deliver the results. Moreover, providing CLECs with some oversight over BellSouth’s processing of these orders will help to prevent BellSouth from backsliding when it is ultimately granted Section 271 authority.

3. Eliminate the Split between BellSouth’s Birmingham and Jacksonville Provisioning Centers, and Require Ownership of a CLECs Service by One Center or the Other that CLECs Receive 100% of Their Service From One Center or the Other

Currently, Birch is required to interface at both the Birmingham LCSC and the Jacksonville Call Center if it uncovers problems on particular orders. Often, the two centers end up pointing fingers at each other, claiming the other center is the cause of, or has responsibility for correcting, the problem. Making matters worse, service representatives in the center are regularly misinformed of the latest manual workaround that have been implemented because of system defects, in the other centers. Similarly, service representatives in one center are not familiar with the provisioning business rules and guidelines of the other. Perhaps this is trivial on its surface, but placing Birch in the role of referee, further complicates a situation that is already extremely complex. If BellSouth is required to designate specific resources that are dedicated to Birch (or any particular CLEC) and those resources are all housed in the same general area of a particular center, then the problem of bounding between centers to find relief is alleviated. Ultimately, Birch requests an operations single point of contact, provisioning location and team that will take ownership of, and be consistently familiar with Birch’s orders, understand the provisioning rules and guidelines, perform corrections with ease and accuracy, and have the competence

to answer questions related to the flow and status of Birch orders.⁶¹ This will enhance the proficiency of the current provisioning process.

D. Require that the Flow Through Task Force Demonstrate Tangible Success in Addressing CLEC Priorities, and Establish a Meaningful Oversight and Enforcement Role for the Commission

The Flow Through Task Force⁶² is a perfect example of BellSouth *appearing to* address CLEC problems (improved flow through in this instance) but with very little results to show for this activity. Birch is active on this Task Force and concludes that with rare exception, CLEC requests are identified and prioritized but not acted upon by BellSouth. Attachment 12 shows the notes from the Task Force's October 17, 2001 conference call and contains the most recently published list of prioritized issues that are pending mechanization. In the "Planned Manual Fallout" matrix, priorities 2 through 10 have not been committed to a BellSouth Release.⁶³ Important items that would increase mechanization (and hence improve flow through) such as Partial Migrations (priority #2, initiated in 3Q00), Multi-Line Hunting (priority #3, initiated in 2Q99), Denials/Restorals (priority #5, initiated in 1Q99), Complex DID (priority #6, initiated in 1Q99), Directory Listings – Intentions and Captions (priority #7, no initiation date), all have "no status" and

⁶¹ Birch recognizes the value of receiving support from a second provisioning center, and encourages BellSouth to workload manage in this way. However, this management must be done in the context of strict ownership and accountability by one particular team in one particular center.

⁶² In January 2001, BellSouth was ordered by the Georgia Public Service Commission (Docket 7892-U) to implement an Improvement Task Force. The Task Force was designated as a sub-committee of the BellSouth Change Control Process. The goal of the Task Force is to improve flow-through performance based on the input and prioritization of BellSouth and CLECs. Specifically, this Task Force jointly prepares an implementation report that includes implementation target dates to eliminate the high incidents of BellSouth Caused Failures and the designed manual fallout for electronically submitted LSRs.

⁶³ Priority #1 (RPON'd LSRs) is targeted for inclusion in a May 2002 Release, but was initiated in and has been pending since 3Q2000.

no inclusion by BellSouth in an upcoming release.⁶⁴ Bottom line, since April, 2001 the BellSouth managed Flow Through Task Force has prioritized 21 items with no items implemented, seven items scheduled for a 2002 release and remaining 13 items having no associated status or committed release date. With absolutely no flow through enhancements to speak of, this task force has not achieved the expedited relief that it was charged to implement.

It would be ideal if BellSouth were subject to a set of meaningful measurement flow through and enforcement mechanisms in the Performance Measurement Plan. However, the current enforcement plan does not incent BellSouth to increase flow through⁶⁵ and in fact rewards manual handling with very relaxed partially mechanized standards. In the absence of an effective enforcement plan, Birch recommends that the Commission require BellSouth to demonstrate tangible progress through monthly reports to or meetings with the Commission. In this way, the Commission can act in an enforcement capacity and evaluate the progress of flow through and determine whether or not corrective action is warranted.

⁶⁴ The products under consideration by the Flow Through Task Force compete with other BellSouth projects – including retail – for programming resources. Absent some tangible incentive, BellSouth will (as it appears) *always* direct the resources that yield the greatest corporate benefit. If current levels of flow through are “good enough” and not triggering serious punitive consequences for BellSouth, then there is no corporate benefit associated with increasing the mechanized ordering of CLEC products.

⁶⁵ The current SEEM plan only provides for remedy payments of \$20 per occurrence for the first month of non-compliance and max out \$90 per occurrence for the sixth consecutive month of non-compliance. BellSouth’s current UNE performance, which is well below even the state’s current low standard of 85%, has not significantly improved since the SEEM plan was put in place for Georgia is evidence that BellSouth is willing to pay remedies, opposed to the ultimate goal of improving flow through.

E. Require that the BellSouth Change Control Process Demonstrate Tangible Success in Addressing CLEC Priorities and Establish a Meaningful Oversight and Enforcement Role for the Commission

Not unlike the Flow Through Task Force, the BellSouth Change Control process is more form than substance. The Commission has been clear in stressing the importance it places on a well-functioning change control process in its prior review of Section 271 applications.⁶⁶ Birch is an active and vocal participant in the BellSouth Change Control process, and has already (along with other commenters) offered evidence in this proceeding regarding the unproductive nature of this forum, and the impact that this has had on Birch. The minutes from the October 24, 2001 Change Control Process are included as Attachment 13. Despite the Commission's clearly stated importance, and despite Birch and other CLECs' best efforts to make this forum meaningful and productive, a review of the facts shows that the forum is ineffective.

A fruitful Change Control Process is of "mission critical" importance to CLECs in that it is the definitive venue to which CLECs collectively bring their requests for system enhancements to be prioritized and considered by BellSouth. Suffice it to say that without a functional and productive Change Control process, CLECs have no hope of making meaningful progress in system enhancements.

Since June 2000, CLECs have prioritized change requests that would provide significant system enhancements and resolved system defects, which includes CR0040. Of 65 change requests, only 15 have been scheduled and implemented in the 2000 or 2001 releases. The most recent prioritization of pending change requests related to system or software changes occurred in April 2001. Included in this prioritization was a ranking of the requests pertaining to the BellSouth pre-ordering and ordering interfaces from 1 to 36.

⁶⁶ *Texas Order*, ¶ 107.

Birch finds it very disappointing that *none* of the 36 requests have been slotted into a 2001 or 2002 release at this time. It is even more telling that not even the change request CR0040 that was ranked number 1 by CLECs has a release date even though the request was submitted on May 11, 2000.⁶⁷ In fact, it appears from the BellSouth's website documentation on this request that BellSouth's last formal update on this request was on August 7, 2000, when it formally responded to the request Attachment 14. So despite the number 1 ranking, BellSouth has made no progress on the request. There is little CLECs can do within the constructs of the Change Control Process to rectify this critical shortcoming.

Because BellSouth has amply demonstrated that it can not be relied upon to act unchecked in an oversight capacity, Birch requests that the Commission act in a direct oversight capacity. In this capacity, BellSouth should be required to file monthly reports on the status of pending change requests, including justification as to why requests have not been slotted into a future release. This report should also contain detail on all projects

⁶⁷ Also telling is the nature of this request, *i.e.*, since mid-2000 CLECs have been seeking real-time visibility into order status as evidenced by the description, purpose, and benefit received from this request. The description reads:

This request is to add functionality, similar to that provided by CSOTS, to track PONS/orders from the time the order hits BellSouth's gateway until the order is completed. This order tracking tool should be available electronically and should be centralized into a single source for CLECs to access. This tool will allow CLECs to track orders from the point of origination to order completion, minimizing the need for phone calls and inquiries between workcenters. In today's environment, reps call to either gain clarification on an order, gain status of an order or to find out why a response hasn't been received. An order tracking system would allow CLECs to follow an order within BellSouth from the time it hits BellSouth's gateway until the order is completed with minimal disruption to the workcenters....

See Attachment 14.

that *are* contained in scheduled releases,⁶⁸ and should be posted on the BellSouth CLEC website. This way, the Commission can ensure itself that BellSouth is choosing between CLEC requests and its own initiatives in a fair and unbiased manner. With respect to near term and tangible initiatives, Birch requests that the Commission direct BellSouth to slot at least the top 10 ranked requests from this April 2001 prioritization⁶⁹ into the 2002 release schedule as a condition of Section 271 approval.

Birch requests that the Commission also evaluate whether or not enforcement action is warranted regarding BellSouth's progress in implementing the highest priority requests, and with respect to being more forthright in the Change Control process generally.

Birch recognizes that the tactics that it has requested above may appear to be overly heavy-handed. However, the facts demonstrate that BellSouth simply can not operate unchecked in an oversight capacity and that close scrutiny of BellSouth is therefore warranted.

IX. CONCLUSION

Birch is forced to expend substantial resources to prevent customer-affecting problems. Birch chooses to remain in business and intercept such problems, rather than allocate resources to file and pursue complaints with regulators. The harsh reality is that without implementing the additional manual processes on Birch's side of the provisioning equation, Birch would likely not be among the remaining 75 CLECs left in this country.

⁶⁸ A description and justification should be provided on all projects internal to BellSouth.

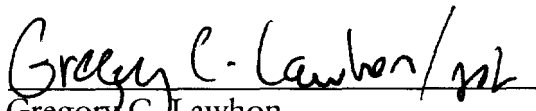
⁶⁹ Birch understands that there will be an updated prioritization in the very near future that will address change requests that have been submitted since the April 2001 prioritization. It may be appropriate to order BellSouth to incorporate the highest priorities from that updated prioritization if it is made available on a timely basis.

Birch is forced to react to the hand it is dealt by BellSouth. The Commission should not approve the Application until Birch's hand is improved.

Birch should not have to contend with low levels of flow through, which in turn lead to BellSouth's excessive reliance on manual handling, which in turn leads to BellSouth-caused service order inaccuracies that render Birch needlessly inefficient and unable to provision its service at or near parity with BellSouth's retail, without extraordinary measures on Birch's part. BellSouth's OSS do not provide Birch a meaningful opportunity to compete.

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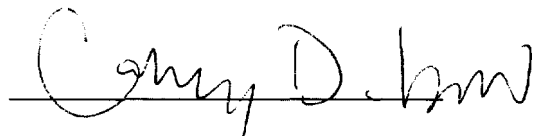
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2001, a copy of the foregoing Reply Comments of Birch Telecom of the South, Inc. was served on each of the following by United States First Class Mail:

Michael K. Kellogg
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The parties listed in *Comments Requested on the Application By BellSouth Corporation for Authorization Under Section 271 of the Communications Act to Provide In-region, InterLATA Services in the States of Georgia and Louisiana*, Public Notice, CC Docket No. 01-277 (October 2, 2001), by the method of service directed therein.

A handwritten signature in black ink, appearing to read "Gregory D. Kwan", written over a horizontal line.

Gregory D. Kwan

ATTACHMENT 1

	A	B	C	D	E	F	G	H	I	J	L	M	O
1	BST AUGUST FLOW THROUGH & FOC RAW DATA PLUS ROBOTAG TIMESTAMPS												
2	PON	VER	Activity Type	TRANSACTION	Birch Requested Due Date on LSR	BST Order Number	Birch Submit Time	FOC Date Of Receipt	BST Supplied Due Date on FOC	Completion Date of the LSR from BST OCI Raw Data	MECHZTN from BST FOC Raw Data	FOC DURATION REPORTED BY BST	FOC DURATION CALCULATED BY BIRCH
3	2001080314312400	0	C	FOC	8/6/01	CP8V58Q7	8/3/01 2:34 PM	8/3/01 2:57 PM	8/6/01		Mechanized	.37	0.38
4	2001080314312400	0	C	FOC		CP8V58Q7	8/3/01 2:34 PM	8/7/01 9:46 AM	8/4/01	8/4/01	Not Reported		91.19
5	2001080518254800	0	C	FOC	8/7/01	COC9C362	8/5/01 6:28 PM	8/6/01 11:24 AM	8/6/01		Mechanized	16.93	16.95
6	2001080518254800	0	C	FOC		COC9C362	8/5/01 6:28 PM	8/6/01 3:45 PM	8/7/01	8/6/01	Not Reported		21.29
7	2001081716370500	0	C	FOC	8/20/01	CP052G55	8/17/01 4:39 PM	8/17/01 4:41 PM	8/20/01		Mechanized	.02	0.03
8	2001081716370500	0	C	FOC		CP052G55	8/17/01 4:39 PM	8/19/01 10:16 AM	8/18/01	8/18/01	Not Reported		41.62
9	2001082509592800	0	C	FOC	8/27/01	CPG59PQ6	8/25/01 10:02 AM	8/27/01 9:47 AM	8/27/01		Mechanized	47.72	47.75
10	2001082509592800	0	C	FOC		CPG59PQ6	8/25/01 10:02 AM	8/27/01 9:49 AM	8/25/01	8/25/01	Not Reported		47.79
11	2001082510070400	0	C	FOC	8/27/01	CP0N5JL0	8/25/01 10:09 AM	8/27/01 9:47 AM	8/27/01		Mechanized	47.62	47.64
12	2001082510070400	0	C	FOC		CP0N5JL0	8/25/01 10:09 AM	8/27/01 9:49 AM	8/25/01	8/25/01	Not Reported		47.68
13	2001082914413300	0	V	FOC	8/30/01	NO9K1GP4	8/29/01 2:44 PM	8/29/01 3:03 PM	8/30/01		Mechanized	.3	0.31
14	2001082914413300	0	V	FOC		NO9K1GP4	8/29/01 2:44 PM	8/29/01 6:46 PM	8/29/01	8/30/01	Not Reported		4.03
15	2001082915010600	0	C	FOC	8/30/01	CO7XBFD7	8/29/01 3:15 PM	8/29/01 3:26 PM	8/30/01		Mechanized	.17	0.18
16	2001082915010600	0	C	FOC		CO7XBFD7	8/29/01 3:15 PM	8/29/01 6:43 PM	8/29/01	8/29/01	Not Reported		3.47
17	2001083113561400	0	C	FOC	9/3/01	CP0QKYD0	8/31/01 2:01 PM	8/31/01 2:02 PM	9/3/01		Mechanized	.02	0.03
18	2001083113561400	0	C	FOC		CP0QKYD0	8/31/01 2:01 PM	8/31/01 4:32 PM	8/31/01	8/31/01	Not Reported		2.52
19	2001083114130100	0	C	FOC	9/3/01	CP7WYMV6	8/31/01 2:14 PM	8/31/01 2:15 PM	9/3/01		Mechanized	0	0.02
20	2001083114130100	0	C	FOC		CP7WYMV6	8/31/01 2:14 PM	8/31/01 4:32 PM	8/31/01	8/31/01	Not Reported		2.29
21	2001083115335900	0	C	FOC	9/3/01	CP2YJ5K7	8/31/01 3:36 PM	8/31/01 3:37 PM	9/3/01		Mechanized	0	0.02
22	2001083115335900	0	C	FOC		CP2YJ5K7	8/31/01 3:36 PM	8/31/01 7:14 PM	8/31/01	8/31/01	Not Reported		3.64
23	GA231497MAC	0	C	FOC	8/11/01	CP8NLLT5	8/10/01 4:32 PM	8/10/01 4:33 PM	8/13/01		Mechanized	0	0.01
24	GA231497MAC	0	C	FOC		CP8NLLT5	8/10/01 4:32 PM	8/12/01 6:46 PM	8/11/01	8/11/01	Not Reported		50.23
25	GA377493MAC	0	C	FOC	8/27/01	CPC9D1Q4	8/24/01 4:07 PM	8/24/01 4:07 PM	8/27/01		Mechanized	0	0.00
26	GA377493MAC	0	C	FOC		CPC9D1Q4	8/24/01 4:07 PM	8/27/01 9:47 AM	8/25/01	8/25/01	Not Reported		65.67
27	GA382413AB	0	C	FOC	8/7/01	CODC5PD5	8/5/01 7:41 PM	8/6/01 1:04 PM	8/6/01		Mechanized	17.38	17.39
28	GA382413AB	0	C	FOC		CODC5PD5	8/5/01 7:41 PM	8/8/01 9:45 AM	8/7/01	8/6/01	Not Reported		62.07
29	GA410898	0	V	FOC	8/30/01	NPBC28F5	8/29/01 3:11 PM	8/29/01 3:29 PM	8/30/01		Mechanized	.28	0.29
30	GA410898	0	V	FOC		NPBC28F5	8/29/01 3:11 PM	8/29/01 6:46 PM	8/29/01	8/31/01	Not Reported		3.58
31	GA463152	1	V	FOC	8/6/01	NPFYKXX7	8/3/01 4:30 PM	8/4/01 1:43 PM	8/4/01		Mechanized	.48	21.21
32	GA463152	1	V	FOC		NPFYKXX7	8/3/01 4:30 PM	8/7/01 2:17 PM	8/6/01	8/4/01	Not Reported		93.79
33	GA483130AROC	0	C	FOC	9/1/01	CO0G4N79	8/31/01 2:19 PM	8/31/01 2:22 PM	9/1/01		Mechanized	.02	0.03
34	GA483130AROC	0	C	FOC		CO0G4N79	8/31/01 2:19 PM	8/31/01 4:32 PM	8/31/01	8/31/01	Not Reported		2.20
35	GA484928	0	V	FOC	8/27/01	NPG11FD6	8/25/01 8:32 AM	8/27/01 9:47 AM	8/27/01		Mechanized	49.22	49.24
36	GA484928	0	V	FOC		NPG11FD6	8/25/01 8:32 AM	8/27/01 9:49 AM	8/25/01	8/25/01	Not Reported		49.28
37	GA495086	0	V	FOC	8/27/01	NP4JC4N2	8/25/01 10:17 AM	8/27/01 1:45 PM	8/25/01		Mechanized	51.45	51.47
38	GA495086	0	V	FOC		NP4JC4N2	8/25/01 10:17 AM	8/27/01 1:45 PM	8/27/01	8/27/01	Not Reported		51.47
39	GA496854	1	V	FOC	8/30/01	NO5K6J86	8/29/01 3:50 PM	8/29/01 3:59 PM	8/30/01		Mechanized	.13	0.15
40	GA496854	1	V	FOC		NO5K6J86	8/29/01 3:50 PM	8/29/01 6:46 PM	8/29/01	8/30/01	Not Reported		2.93
41	GA496854A	0	V	FOC	8/30/01	NO9919T4	8/29/01 3:53 PM	8/29/01 3:59 PM	8/30/01		Mechanized	.1	0.11
42	GA496854A	0	V	FOC		NO9919T4	8/29/01 3:53 PM	8/29/01 8:40 PM	8/29/01	8/29/01	Not Reported		4.79
43	GA506168	0	V	FOC	8/30/01	NPDMWVGJ0	8/29/01 2:05 PM	8/29/01 2:29 PM	8/30/01		Mechanized	.38	0.39
44	GA506168	0	V	FOC		NPDMWVGJ0	8/29/01 2:05 PM	8/29/01 4:46 PM	8/29/01	8/29/01	Not Reported		2.67
45	GA511732	0	V	FOC	8/30/01	NO9M5MM5	8/29/01 3:38 PM	8/29/01 3:59 PM	8/30/01		Mechanized	.33	0.35
46	GA511732	0	V	FOC		NO9M5MM5	8/29/01 3:38 PM	8/29/01 6:46 PM	8/29/01	8/30/01	Not Reported		3.13
47	GA511897	0	V	FOC	8/30/01	NPCDQQD0	8/29/01 4:32 PM	8/29/01 4:44 PM	8/30/01		Mechanized	.18	0.20
48	GA511897	0	V	FOC		NPCDQQD0	8/29/01 4:32 PM	8/29/01 6:47 PM	8/29/01	8/31/01	Not Reported		2.26
49	GA511943	0	V	FOC	8/30/01	NPBVHBT1	8/29/01 3:38 PM	8/29/01 3:59 PM	8/30/01		Mechanized	.33	0.34
50	GA511943	0	V	FOC		NPBVHBT1	8/29/01 3:38 PM	8/29/01 6:46 PM	8/29/01	8/30/01	Not Reported		3.13
51	2001083115491300	0	C	FOC	9/1/01	CORFH306	8/31/01 3:51 PM	8/31/01 4:31 PM	9/1/01		Partially Mechanized	.65	0.65

	A	B	C	D	E	F	G	H	I	J	L	M	O
	PON	VER	Activity Type	TRANSACTION	Birch Requested Due Date on LSR	BST Order Number	Birch Submit Time	FOC Date Of Receipt	BST Supplied Due Date on FOC	Completion Date of the LSR from BST OCI Raw Data	MECHZTN from BST FOC Raw Data	FOC DURATION REPORTED BY BST	FOC DURATION CALCULATED BY BIRCH
2													
52	2001083115491300	0	C	FOC		CORFH306	8/31/01 3:51 PM	8/31/01 7:13 PM	8/31/01	8/31/01	Not Reported		3.36
53	GA367207MAC	1	C	FOC	8/16/01	COVRM953	8/16/01 3:32 PM	8/16/01 4:30 PM	8/18/01		Partially_Mechanized	.95	0.95
54	GA367207MAC	1	C	FOC		COVRM953	8/16/01 3:32 PM	8/17/01 10:50 AM	8/17/01	8/17/01	Not Reported		19.30